

EXHIBIT 5

** CONFIDENTIAL TRANSCRIPT - ATTORNEYS' EYES ONLY **

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

SONY CORPORATION, A Japanese)

corporation,)

Plaintiff,)

vs.)

) SACV-08-01135

VIZIO, INC.,) RGK (FMOx)

) PAGES 1 - 49

Defendant.)

_____)

TELEPHONIC MEET AND CONFER
LOS ANGELES, CALIFORNIA
FRIDAY, JULY 17, 2009

REPORTED BY:

LESLIE L. WHITE

CSR NO. 4148

JOB NO.: 23822

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2 and after we responded with our own letter, if
3 a meet-and-confer is still necessary during
4 that meet-and-confer.

5 But what I will say, Tom -- and we
6 have told you this numerous times -- we have
7 given you all the documents that we have in
8 our possession that are relevant and
9 responsive. We do not have source code. We
10 are double and triple checking that to be sure
11 because this is obviously a sensitive issue
12 with you, but we have asked, we have looked as
13 hard as we can for it, we will continue to,
14 but it shouldn't be a surprise to you, Tom,
15 given Vizio's position and its business, that
16 it doesn't have the source code.

17 We have told you numerous times you
18 need to go to Media Tech to get that. We have
19 noticed that Sony has subpoenaed everyone
20 under the sun except Media Tech, even though
21 Media Tech supplies over 90 percent of the
22 chips used in Vizio's products.

23 So you're barking up the wrong tree.
24 You need to go to Media Tech.

25 We have asked you numerous times:

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2 we expect you to produce it.

3 MR. McCRUM: They haven't made them
4 available to us. We don't have them. Media
5 Tech has them.

6 And your concern about: You know,
7 we haven't decided where we're going to get
8 these from, we're going to try to get these
9 through Vizio, that hasn't stopped you from
10 subpoenaing all these other companies.

11 If your approach was that you want
12 to get to these documents through Vizio, why
13 did you go Subpoena everyone else? They are
14 in the same position.

15 So you have got to go to Media Tech.
16 We are running out of time. You guys have
17 imposed this aggressive schedule. We have a
18 trial set for January. We are several months
19 into discovery, we are more than eight months
20 after you filed your Complaint, and there is
21 no effort whatsoever from Sony to get these
22 documents from the people -- the company that
23 has them. It's Media Tech. I told you a
24 million times. You need to go there.

25 So I suggest you do what you have

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2 done with all these other companies and
3 subpoena the U.S. presence Media Tech and get
4 the information that you're trying to get from
5 us. We don't have it. As you know they have
6 got an office in California. They got an
7 office in Austin, Texas. They have got an
8 office in Boston.

9 Go do what you did with these other
10 companies and subpoena those U.S. entities.
11 But, you know, I just can't -- I don't know
12 why you're not going to the company that
13 supplies over 90 percent of our chips, and yet
14 you spend all this time and energy on these
15 other third parties.

16 MR. PEASE: First of all, I disagree with
17 your characterization. I am going to ask you
18 about the same question about AmTran, namely,
19 you know, is it Vizio's position that it is
20 not going to produce AmTran documents that are
21 in Vizio's possession or to which Vizio
22 engineers have access in the ordinary course
23 of business?

24 MR. McCRUM: Look, Tom, we have talked
25 about this enough already. These are issues

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2 interrogatory response was nonsubstantive. It
3 was actually a quite substantive response.
4 Sony looked at every single User Manual, again
5 at Vizio's request. And based on that review
6 of User Manuals Sony dropped entire Vizio
7 products from its claim of infringement of the
8 468 and 055 patent. So that was such a
9 substantive response that Vizio doesn't have
10 to worry about Sony bringing claims of
11 infringement against, you know, some of its
12 televisions, based on that -- based on that
13 interrogatory response.

14 MR. McCRUM: I think the record of the
15 actual supplementation speaks for itself on
16 that point, so we don't need to get into that
17 any further.

18 The other issue we talked about
19 already was with Media Tech. We asked you if
20 you folks are planning to subpoena Media Tech.
21 I am not sure I got a clear answer on that.

22 Is that in Sony's plans or not?

23 MR. PEASE: It's my understanding Sony
24 does intend to seek discovery from Media Tech.

25 MR. McCRUM: You don't know if that's

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2 through subpoena or some other informal means?

3 MR. PEASE: Or a different procedure
4 means.

5 MR. McCRUM: What other procedural means
6 are available, Tom?

7 MR. PEASE: Well, there's letters of
8 rogatory, and other procedural avenues
9 available to us.

10 My understanding is Sony is
11 considering those avenues.

12 MR. McCRUM: Let's move on to the next
13 issue in the various letters, which is the
14 issue about expert discovery and expert
15 reports.

16 And I know, Todd, that you indicate
17 in your letter that you don't think it's
18 appropriate or proper for us to be discussing
19 that today because it wasn't sufficiently
20 raised in my letter, but I'd like to make a
21 proposal anyway.

22 I am not asking you for a response
23 today, but you have offered to consider this
24 issue and talk about it more next week, and
25 that would be fine by us, but just to get the